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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 Damien Phillips,

13 Petitioner,

14 v.

15 Nevada Department of Corrections,

16 Respondents.
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Case No. 2:23-cv-00599-ART-BNW

**Order for Extension of Time to
File Opposition to Motion to
Dismiss**

(Third Request)

POINTS AND AUTHORITIES

On or around March 15, 2023, Petitioner Damien Phillips submitted his pro se petition for writ of habeas corpus pursuant to 28 U.S.C. §2254 in this Court.¹ It was filed on April 19, 2023.² At the same time, Phillips filed a motion for appointment of “stand-in counsel”.³ This Court appointed the Federal Public Defender’s Office on June 13, 2023.⁴ Assistant Federal Public Defender Laura Barrera entered her appearance on July 13, 2023.⁵ Phillips filed his counseled amended petition on December 11, 2024.⁶ Respondents filed a motion to dismiss on April 11, 2025.⁷ Phillips now requests an extension of time of 14 days to file an opposition to the motion to dismiss. Respondents, by Deputy Attorney General Yanpeng Wang, do not oppose this request.

This motion is not filed for the purpose of delay, but in the interests of justice as well as the interest of Phillips. Undersigned counsel has been diligently working on the opposition, but the additional time is needed due to a delay in receiving Phillips’s institutional file from the Nevada Department of Corrections (NDOC). Phillips expects to make an argument for equitable tolling in his response to the motion to dismiss. Accordingly, counsel needed to review his records from NDOC. Phillips’s legal team ordered his institutional records from NDOC approximately a year ago with the help of the Nevada Attorney General’s Office. Due to an apparent oversight, NDOC never produced the records. Upon discovering this, Phillips’s legal

¹ See ECF No. 2-3 at 114.

² ECF No. 2-3.

³ ECF No. 2-1.

⁴ ECF No. 10.

⁵ ECF No. 17.

⁶ ECF No. 44.

⁷ ECF No. 53.

1 team reached out again to the Nevada Attorney General's Office, who were finally
2 able to produce the records on July 22, just two days before the current due date. As
3 a result, counsel needs additional time to review those records and to complete the
4 opposition to the motion to dismiss.

5 Accordingly, Phillips respectfully requests this Court extend his deadline to
6 file his opposition to the motion to dismiss by 14 days, until August 7, 2025.

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8 Dated July 24, 2025.


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10 Respectfully submitted,

11 Rene L. Valladares
12 Federal Public Defender

13 */s/ Laura Barrera*

14 Laura Barrera
15 Assistant Federal Public Defender

16 IT IS SO ORDERED:

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18 Anne Russell
19 UNITED STATES DISTRICT JUDGE

20 DATED: 7/24/2025